



Report To:	Licensing Act 2003 Committee
Date:	30 September 2024
Subject:	Gambling Act 2005 – Review of Gambling Licensing Policy (Statement of Licensing Principles)
Purpose:	To undertake the required statutory three-yearly review of the Council's (Licensing Authority's) Statement of Licensing Principles (Gambling Policy).
Key Decision:	N/A
Portfolio Holder:	Councillor Thomas Kemp – Portfolio Holder for Finance.
Report Of:	Donna Hall - Group Manager Public Protection.
Report Author:	Adrian Twiddy – Ast. Licensing Officer.
Ward(s) Affected:	ALL
Exempt Report:	NO

Summary

To consider the Gambling Policy (Statement of Principles) in light of the recent consultation exercise and to recommend the revised Policy to Council for adoption. The closing date for the submission of consultation responses was 02 September 2024.

This Authority's current policy statement took effect in January 2022 and so the required statutory review process must be completed by the end of 2024 – with the updated policy to come into effect in January 2025.

Recommendations

That the Committee recommend to the Council that there be no amendment to the Gambling Policy (Statement of Principles), apart from the section of the policy document that summarises the number of gambling authorisation currently in force. The new summary, for insertion into the revised policy document, can found at **Appendix 1** of this Report.

Reasons for Recommendations

The Council is under a legal duty to keep its Gambling Policy under review. In line with the statutory requirements this review of the policy must be completed by January 2025.

The policy review must take place every 3-years.

Other Options Considered

There are no other options for consideration – it is a statutory requirement that the Council reviews the policy on a three-yearly basis.

1. Background

- 1.1 Section 349 of the Gambling Act 2005 requires the Council (the Licensing Authority) to prepare and publish a Statement of the Principles (Gambling Policy) that it proposes to apply in exercising its licensing functions. The statement will last for a maximum period of three years - but can be reviewed and revised by the Authority at any time. This Authority's current statement took effect in January 2022 and so the required review process must be completed by the end of 2024 – with the updated policy to come into effect on 03 January 2025.
- 1.2 A copy of the current policy document can be viewed on the Council's website at:
<https://www.e-lindsey.gov.uk/article/5432/Gambling>
- 1.3 On 22 April 2024 the Committee considered current the policy document and agreed the details of the consultation process. The subsequent consultation took place between 15 July 2024 and 02 September 2024.

2. Report

- 2.1 The Gambling Act 2005 places the responsibility for the licensing of gambling premises and the issuing of gambling permits with Local Authorities. Amongst other matters the 2005 Act deals with the licensing of:
 - Casinos.
 - Betting shops.
 - Bingo halls.
 - Amusement arcades.
 - Gaming machines.
 - Society lotteries.
- 2.2 The Act requires Licensing Authorities to prepare, consult on and publish a Statement of Licensing Principles (Gambling Policy) that they propose to apply in exercising their functions under the Act during the 3-year period to which the policy applies.

2.3 Core to the Gambling Act are the licensing objectives. These are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
- Ensuring that gambling is conducted in a fair and open manner.
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

2.4 Section 154 of the 2005 Act indicates that adoption of the Statement of Principles (Gambling Policy) cannot be delegated to the Licensing Committee. Therefore, full Council must adopt the final document. This is different to the granting of premises licences, which the Act automatically delegates to the Licensing Committee.

2.5 The existing policy document has been reviewed in light of experience in dealing with the 2005 Act over the last three years. Experience has shown that there is nothing which needs changing in the main body of the policy document – apart from updating the summary of licence and permit numbers currently in force in the East Lindsey District. The new summary, for insertion into the revised policy document, can found at **Appendix 1** of this Report.

2.6 There has been one significant change to the licence numbers in the District since the previous policy adoption in 2022. The number of bingo premises has increased from 13 to 21 – with the majority of these new bingo premises being within holiday park sites on the coastal strip of the East Lindsey District.

2.7 One response was received to the policy consultation document. The response was from Hough & Bolland Licensing Consultants – who indicated that they had no comments or concerns with regard to the proposal to make no changes to the main body of the policy document.

2.8 **Casino Licensing** - The Council's small casino licensing process (competition) is currently on hold. At present we do not have a specific date when the process will resume. This policy review does not propose any changes to the proposed casino licensing process.

3. Conclusion

3.1. It is a statutory requirement that the Council reviews the gambling policy on a three-yearly basis.

3.2. Experience has shown that there is nothing of significance that currently needs changing in the policy document and so the consultation was issued on that basis (i.e. the proposal is to make no changes to the policy – apart from updating the section showing the number of licences and permits currently in force).

Implications

South and East Lincolnshire Councils Partnership

Each Council within the Partnership will need to undergo a similar review of its Statement of Licensing Principles (Gambling Policy).

Corporate Priorities

The licensing and compliance role of the Council is important in improving the health, safety, security and welfare of the district's residents, visitors, and business community.

Effective implementation of an appropriate licensing regime should help to promote the local economy.

Staffing

None.

Workforce Capacity Implications

None.

Constitutional and Legal Implications

The policy document must comply with the requirements of the Gambling Act 2005 and the Gambling Commission's Guidance to Licensing Authorities. It must also comply with the Code of Practice in relation to casino premises licensing.

Data Protection

None.

Financial

None.

Risk Management

There is a theoretical risk of civil action against the Licensing Authority if it is found not to have exercised due diligence in licensing matters. There is also the risk of judicial review if the policy is found not to comply with the requirements of the Gambling Act 2005 and associated legislation, regulations and guidance.

Stakeholder / Consultation / Timescales

The consultation, regarding the policy document, took place between 15 July 2024 and 02 September 2024. The consultation document was issued to a wide range of interested parties, including Lincolnshire Police, Lincolnshire Trading Standards, Lincolnshire Fire and Rescue, the Gambling Commission, Licensing Solicitors & Consultants, Town Councils, BACTA, etc. In addition, a copy of the consultation document was placed on the Council's website.

Reputation

Having a robust licensing scheme protects public safety and commands the confidence of the public.

Contracts

None,

Crime and Disorder

Core to the Gambling Act 2005 are the licensing objectives, which are detailed in Paragraph 2.3 of this Report. The licensing objectives have been considered throughout this policy review and in relation to the Authority's Section 17 requirements.

Equality and Diversity / Human Rights / Safeguarding

Equality & Diversity: There are no equality or diversity implications arising from the recommendations of this Report.

Human Rights: The Licensing Authority must ensure that its decisions and policies can withstand scrutiny by reference to the principle of proportionality, i.e. is the decision / action / policy proportionate to what it wishes to achieve, or, colloquially does the end justify the means.

Safeguarding: The Gambling Act 2005 includes the licensing objective of 'protecting children and other vulnerable persons from being harmed or exploited by gambling'. This licensing objective has been considered throughout this policy review.

Health and Wellbeing

None.

Climate Change and Environmental Implications

None.

Acronyms

BACTA British Amusement Catering Trade Association

Appendices

Appendices are listed below and attached to the back of the report:

Appendix 1 Number of Gambling Authorisations - September 2024

Background Papers

Background papers used in the production of this report are listed below: -

Document title **Where the document can be viewed.**

The Gambling Commission's Guidance to Licensing Authorities:

<https://www.gamblingcommission.gov.uk/guidance/guidance-to-licensing-authorities>

Chronological History of this Report

Name of Body	Date
Licensing Act 2003 Committee	22 04 24

Report Approval

Report author:	Adrian Twiddy – Ast. Licensing Officer adrian.twiddy@e-lindsey.gov.uk
Signed off by:	Donna Hall - Group Manager Public Protection donna.hall@sholland.gov.uk
Approved for publication:	N/A